


Councilmember Kathleen Patterson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Kathleen Patterson introduced the following bill, which was referred to the
Committee on _____.

To enact the Uniform Interstate Enforcement of Domestic Violence Protection Orders in the
District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That
this act may be cited as the "Uniform Interstate Enforcement of Domestic Violence Protection
Orders Act of 2001"

Sec. 2. Chapter 10 of Title 16 of the District of Columbia Code is amended:

(1) By amending the table of contents by adding the following at the end:

"Subchapter IV. Interstate Enforcement of Domestic Violence Protection Orders;

Uniform Law

"16-1041. Definitions.

"16-1042. Judicial enforcement of order.	1
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"16-1047. Uniformity of application and construction.	6
"16-1048. Transitional provision."; and	7
(2) By adding the following new subchapter:	8
<i>"Subchapter IV. Interstate Enforcement of Domestic Violence Protection Orders;</i>	9
<i>Uniform Law</i>	10
"§ 16-1041. Definitions.	11
"For purposes of this subchapter, the term:	12
"(1) "Foreign protection order" means a protection order issued by a tribunal of another	13
State.	14
"(2) "Issuing State" means the State whose tribunal issues a protection order.	15
"(3) "Mutual foreign protection order" means a foreign protection order that includes	16
provisions in favor of both the protected individual seeking enforcement of the order and the	17
respondent.	18
"(4) "Protected individual" means an individual protected by a protection order.	19
"(5) "Protection order" means an injunction or other order, issued by a tribunal under	20
the domestic-violence or family-violence laws of the issuing State, to prevent an individual from	21

engaging in violent or threatening acts against, harassment of, contact or communication with, or
physical proximity to, another individual.

“(6) "Respondent" means the individual against whom enforcement of a protection
order is sought.

“(7) "State" means a State of the United States, the District of Columbia, Puerto Rico,
the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
of the United States. The term includes an Indian tribe or band that has jurisdiction to issue
protection orders.

“(8) "Tribunal" means a court, agency, or other entity authorized by law to issue or
modify a protection order.

“§ 16-1042. Judicial enforcement of order.

“(a) A person authorized by the law of the District to seek enforcement of a protection
order may seek enforcement of a valid foreign protection order in a tribunal of the District. The
tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of
the District would lack power to provide but for this section. The tribunal shall enforce the
order, whether the order was obtained by independent action or in another proceeding, if it is
an order issued in response to a complaint, petition, or motion filed by or on behalf of an
individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal
shall follow the procedures of the District for the enforcement of protection orders.

“(b) A tribunal of the District may not a enforce a foreign protection order issued by a
tribunal of a State that does not recognize the standing of a protected individual to seek

enforcement of the order.

“(c) A tribunal of the District shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing State.

“(d) A tribunal of the District may not enforce under this subchapter a provision of a foreign protection order with respect to support.

“(e) A foreign protection order is valid if it:

“(1) Identifies the protected individual and the respondent;

“(2) Is currently in effect;

“(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing State; and

“(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and had an opportunity to be heard within a reasonable time after the order was issued, consistent with the rights of the respondent to due process.

“(e) A foreign protection order valid on its face is prima facie evidence of its validity.

“(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

“(g) A tribunal of the District may enforce provisions of a mutual foreign protection order which favor a respondent only if:

“(1) The respondent filed a written pleading seeking a protection order from the
tribunal of the issuing State; and

“(2) The tribunal of the issuing State made specific findings in favor of the
respondent.

“§ 16-1043. Nonjudicial enforcement of order.

“(a) A law enforcement officer of the District, upon determining that there is probable
cause to believe that a valid foreign protection order exists and that the order has been violated,
shall enforce the order as if it were the order of a tribunal of the District. Presentation of a
protection order that identifies both the protected individual and the respondent and, on its face,
is currently in effect constitutes probable cause to believe that a valid foreign protection order
exists. For the purposes of this section, the protection order may be inscribed on a tangible
medium or may have been stored in an electronic or other medium if it is retrievable in
perceivable form. Presentation of a certified copy of a protection order is not required for
enforcement.

“(b) If a foreign protection order is not presented, a law enforcement officer of the
District may consider other information in determining whether there is probable cause to
believe that a valid foreign protection order exists.

“(c) If a law enforcement officer of the District determines that an otherwise valid
foreign protection order cannot be enforced because the respondent has not been notified or
served with the order, the officer shall inform the respondent of the order, make a reasonable
effort to serve the order upon the respondent, and allow the respondent a reasonable

opportunity to comply with the order before enforcing the order.

“(d) Registration or filing of an order in the District is not required for the enforcement of a valid foreign protection order pursuant to this subchapter.

“§ 16-1044. Registration of order.

“(a) Any individual may register a foreign protection order in the District. To register a foreign protection order, an individual shall:

“(1) Present a certified copy of the order to the Mayor; or

“(2) Present a certified copy of the order to the Mayor and request that the order be registered with the Mayor..

“(b) Upon receipt of a foreign protection order, the Mayor shall register the order in accordance with this section. After the order is registered, the Mayor shall furnish to the individual registering the order a certified copy of the registered order.

“(c) The Mayor shall register an order upon presentation of a copy of a protection order which has been certified by the issuing State. A registered foreign protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of the District.

“(d) An individual registering a foreign protection order shall file an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

“(e) A foreign protection order registered under this subchapter may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

“§ 16-1045. Immunity.

“The District and its officers and employees, a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this subchapter.

“§ 16-1046. Other remedies.

“A protected individual who pursues remedies under this subchapter is not precluded from pursuing other legal or equitable remedies against the respondent.

“§ 16-1047. Uniformity of application and construction.

“In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among States that enact it.

“§ 16-1048. Transitional provision.

“This subchapter applies to protection orders issued before the effective date of this subchapter and to continuing actions for enforcement of foreign protection orders commenced before the effective date of this subchapter. A request for enforcement of a foreign protection order made on or after the effective date of this subchapter for violations of a foreign protection order occurring before the effective date of this subchapter is governed by this subchapter.

Sec. 3. Fiscal impact.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 4. Effective date.

This act shall take effect after approval by the Mayor (or in the event of a veto by the Mayor, override of the veto by the Council), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.